

FOLEY & LARDNER
ATTORNEYS AT LAW11250 EL CAMINO REAL, SUITE 200
SAN DIEGO, CA 92130
P.O. BOX 80278
SAN DIEGO, CALIFORNIA 92138-0278
TELEPHONE: 858.847.6700
FACSIMILE: 858.792.6773
WWW.FOLEYLARDNER.COM**FACSIMILE TRANSMISSION****Total # of Pages: 11 (including this page)**

TO:	PHONE #:	FAX #:
Examiner Karen Lacourciere - Art Unit 1635 Commissioner for Patents Mail Stop AF	(703) 308-7523	(703) 872-9307

From : Teresa Spehar
Sender's Direct Dial : 858.847.6719
Date : October 14, 2003
Client/Matter No : 037002-0205
User ID No : 3171

**RECEIVED
CENTRAL FAX CENTER**

OCT 15 2003

OFFICIAL**MESSAGE:****OFFICIAL**

Re: Application Serial No. 09/557,796

Following are:

Amendment Transmittal (3 pgs.);
Response Under 37 C.F.R. § 1.116 (7 pgs.).If there are any problems with this transmission or if you have not
received all of the pages, please call 858.847.6700.

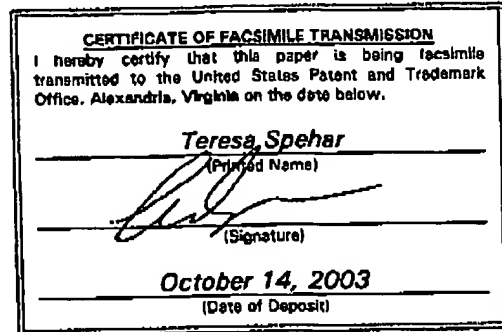
Operator:	Time Sent:	Return Original To: Joy Day
-----------	------------	--------------------------------

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND
CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT
COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED
RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU
HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE
IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY
TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Atty. Dkt. No. 252/123
(037002-0205)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hoch and Dartois
Title: METABOLIC SELECTION
METHODS
Appl. No.: 09/557,796
Filing Date: 04/25/2000
Examiner: K. Lacourciere
Art Unit: 1635



AMENDMENT TRANSMITTAL

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

**RECEIVED
CENTRAL FAX CENTER**

OCT 15 2003

Sir:

Transmitted herewith is an amendment in the above-identified application.

[X] Applicants claim Small Entity status under 37 C.F.R. § 1.27.

[] Assertion of Small Entity status is enclosed.

[X] The fee required for additional claims is calculated below:

	Claims As Amended	Previously Paid For	Extra Claims Present	Rate	Additional Claims Fee
Total Claims:	10	<input type="checkbox"/> 23	= 0	x \$18.00	= \$0.00
Independents:	<u>1</u>	<input type="checkbox"/> <u>5</u>	= <u>0</u>	x \$86.00	= <u>\$0.00</u>
First presentation of any Multiple Dependent Claims:			+ \$290.00	=	\$0.00
CLAIMS FEE TOTAL:					= <u>\$0.00</u>

OFFICIAL

Atty. Dkt. No. 252/123
(037002-0205)

- ☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/>	Extension for response filed within the first month:	\$110.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$420.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the third month:	\$950.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,480.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$2,010.00	\$0.00
	EXTENSION FEE TOTAL:		\$0.00
<input type="checkbox"/>	Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$55.00	\$0.00
	CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$0.00
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):		\$0.00
	TOTAL FEE:		\$0.00

- ☐ Please charge Deposit Account No. 50-0872 in the amount of \$____. A duplicate copy of this transmittal is enclosed.
- ☐ A check in the amount of \$____ is enclosed.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Atty. Dkt. No. 252/123
(037002-0205)

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date: October 14, 2003

By



FOLEY & LARDNER
Customer Number: 30542
Telephone: (858) 847-6767
Facsimile: (858) 792-6773

Teresa Spehar
Registration No. 51,281
for Richard J. Warburg
Attorney for Applicant
Registration No. 32,327